

REMARKS

Claims 1-11, 13-36 and 38-42 were pending.

Claims 1-11, 13-36 and 38-42 are rejected.

Claims 1, 5, 9-11, 15, 19-21, 23, 25-27, 30, 31, 35, 36, and 38-41 have been amended.

Claims 3, 7, 8, 13, 14, 18, 28, 29, 34, and 42 have been cancelled.

Claims 43-47 are new.

Claims 1, 2, 4-6, 9-11, 15-17, 19-27, 30-33, 35, 36, and 38-41, and 43-47 are pending.

Examiner Interview

An interview was held on March 8, 2010 between Examiner Nittaya Juntima and Derek Meeker, an attorney for the Assignee. The interview included discussion of the amended claims in view of the references. The Examiner indicated that the amended claim may overcome the references; however, further review and an additional search would be required.

Amendments to the Drawings

The drawings have been amended to correct formatting and other errors. No new matter has been added.

Claim amendments

Claims 1, 5, 9-11, 15, 19-21, 23, 25-27, 30, 31, 35, 36, and 38-41 have been amended. Claims 43-47 are new. Support of for the new and amended claims can be found in the application as filed, for example, on p. 4, ll. 3-7 and 13-20, p. 5, ll. 20-25, p. 6, ll. 10-17, p. 8-10 and Figures 4 and 5. No new matter has been added.

Claim Objections

Claim 5 is objected to because of informalities. The language objected to by the Examiner has been deleted. The Applicant respectfully requests that the Examiner withdraw the objection to claim 5.

Claim Rejections – 35 U.S.C. § 112

Claims 1, 2, 4, 21-27, 30-33, 35, 36, and 38-41 are rejected under 35 USC 112 as failing to comply with the written description requirement. The language referred to by the Examiner

has been deleted from the respective claims. The Applicant respectfully requests that the Examiner withdraw the rejections of claims 1, 2, 4, 21-27, 30-33, 35, 36, and 38-41.

Claim Rejections – 35 U.S.C. § 102

Claims 5, 6, 10, 15-17, and 19 are rejected under 35 U.S.C. §102(e) as being anticipated by Riikonen (U.S. Publication No. 2004/0162094 A1).

As amended, claim 5 recites “the delay point indicating a point to which the call is to progress before delaying establishment of the call.” That is, the delay point is the point at which call progress is delayed. Claim 15 includes similar elements.

The Examiner cited the completion of the downloading of the content in Riikonen as the delay point. See Office Action dated December 8, 2009 (hereafter referred to as “Office Action”), p. 5. However, as illustrated in Fig. 2 of Riikonen, when the downloading is complete, the call progresses, with the 180 RINGING message.

In other words, the call is delayed until the cited delay point occurs, and after which, the call progresses. In claim 5, the call progresses to the delay point and then establishment is delayed.

Moreover, as amended, claim 5 recites “sending a release message, from the network device, after the delay point has been reached indicating that the establishment of the call should continue from the delay point if the call is to be established.” That is, a release message is sent and the call progresses. Similarly, claim 15 recites “continuing with establishment of the call from the delay point in response to receiving a release message, at the network device, indicating that the establishment of the call should continue from the delay point” That is, in response to a release message, call establishment continues from the delay point.

In contrast, in Riikonen, no message is sent before the call progresses to establishment. That is, once the download is complete, call establishment occurs as illustrated by the 180 RINGING message after the download is complete. See Riikonen, Fig. 2.

Accordingly, Riikonen does not teach each and every element of claims 5 and 15. The Applicant respectfully requests that the Examiner withdraw the rejection of claim 5, and dependent claims 6, 10, 16, 17, and 19.

Claims 5, 6, 9, 10, 15, 17, 19, and 20 are rejected under 35 U.S.C. §102(e) as being anticipated by Donovan (U.S. Patent No. 6,366,577 B1).

As amended, claim 5 recites “the delay point indicating a point to which the call is to progress before delaying establishment of the call.” That is, the delay point is the point at which call progress is delayed. Claim 15 includes similar elements.

With respect to Donovan, the Examiner cited the completion of the provisioning of the resources to comply with requested QoS as the delay point. See Office Action, p. 5. However, in Donovan, once the resources are reserved as illustrated by message 40 in FIG. 3 of Donovan, the call continues to establishment with the 200 OK messages. That is, once the resources are reserved, i.e. the call is at the cited delay point, the call is not delayed, rather the call continues.

Accordingly, Donovan does not teach each and every element of claims 5 and 15. The Applicant respectfully requests that the Examiner withdraw the rejection of claim 5, and dependent claims 6, 9, 10, 17, 19, and 20.

As amended, claim 9 recites “performing maintenance testing with the called endpoint; and sending the release message indicating that the establishment of the call should not continue after performing the maintenance testing and without notifying the called endpoint to alert a called user.” Claim 20 includes similar elements.

The Examiner cited the COPS REQ AAA message 7 of Fig. 2 of Donovan as the maintenance. However, as illustrated in Fig. 3 of Donovan, the continuation of Fig. 2, the call progresses to establishment. A release message is not sent indicating that the call should not continue.

Accordingly, Donovan does not teach each and every element of claims 9 and 20. The Applicant respectfully requests that the Examiner withdraw the rejection of claim 5, and dependent claims 9 and 20.

Claim Rejections – 35 U.S.C. § 103

Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Riikonen (U.S. Publication No. 2004/0162094 A1).

The addition of the knowledge of one skilled in the art as described by the Examiner does not cure the deficiencies of Riikonen. That is, changing SIP messaging to H.323 messaging does not suggest the delay points of parent claim 5. Accordingly, claim 11 is allowable over Riikonen.


Furthermore, new claims 43-47, dependent on claim 1 are allowable for the reasons described above. In addition, the cited references do not teach the establishment of two related calls. Accordingly, claims 43-47 are allowable over the cited references.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is requested to call the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Derek Meeker

Reg. No. 53,313

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
503-222-3613